Subject: Fw: Ideas for a motion
From: Greig Smith <citycouncilguy@yahoo.com>
Date: 3/19/2019, 10:33 PM
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----- Forwarded Message -----
From: Eric Rose <eric@ekapr.com>
To: Greig Smith <citycouncilguy@yahoo.com>
Sent: Tuesday, March 19, 2019, 6:59:12 PM PDT
Subject: Ideas for a motion

Maintain the Ability to Enforce Parking Laws Through Appropriate Towing

AB 516 (Chiu) purports to address the impacts of three categories of towing identified in "Towed Into Debt: How Towing Practices in California Punish Poor People" (Public Law Center, et al, March 2019). The report makes – as it acknowledges – conclusions and recommendations based on incomplete data and analysis. One of the report's conclusions that relates to AB 516 is: "Once a car is towed, many California families do not have the money to retrieve the car and cannot borrow the money." While this may be true, the cause of towing is not actually poverty, but the repeated, intentional acts of the vehicle owner/operator to not comply with specific parking and vehicle registration laws, as discussed below.

[the # is ~80% but need to confirm with LADOT or delete and say "Most…"; unclear if LADOT will provide the figure…]

Both state and municipal parking laws promote public safety and ensure fair and equitable access to on-street parking that supports the economy and our populace. Persons with five or more parking tickets are scofflaws who repeatedly and intentionally violate parking laws (California Vehicle Code Section 22651(i)). Scofflaws do not represent a significant proportion of parking citations issued in the City of Los Angeles. Over __% of vehicles cited for a parking violation are not cited again for another parking violation. The current threshold of towing for five or more unpaid parking citations means that a driver – regardless of his or her financial situation – did not simply make a mistake or two. It means he or she violated parking laws repeatedly (which is unrelated to poverty) and subsequently did not pay the associated fines.

Likewise, CVC Section 22651(o)(1)(A) allows for towing unregistered vehicles. A vehicle with an expired vehicle registration for more than six months has an owner that has intentionally decided not to comply with the law. It is not simply a late or delinquent payment and six months provides ample time to identify funds so that the registration can be paid or make alternative transportation arrangements. By not

complying with vehicle registration requirements, vehicle owners also avoid having to provide evidence of vehicle insurance to the Department of Motor Vehicles. Lack of legally required vehicle insurance poses a public safety and financial risk to other motorists, cyclists, and pedestrians.

Finally, CVC Section 22651(k) authorizes the City Council to adopt 72-hour parking limits, as codified in Los Angeles Municipal Code Section 80.73.2. Vehicles parked illegally for more than 72 hours – regardless if they were parked legally for the first 72 hours – constitute an unfair utilization of on-street parking assets that should be available to the public at large, not just to an individual vehicle owner who intentionally breaks the law. In cases where the vehicle is inoperable and the reason the vehicle has not been moved is because the owner may not have the resources to pay for a repair, AB 516 would enable that owner to permanently occupy an on-street parking space and make that asset unavailable to the rest of the public in perpetuity. Such a vehicle that is not moved by the owner for an extended period of time becomes a de facto abandoned vehicle, a contributing factor to neighborhood blight and conditions identified by George L. Kelling and James Q. Wilson in their seminal essay "Broken Windows" (1982).

[decision point: include description of data analysis and report critique of City of Los Angeles?]

For context, the report highlights data analysis from eight of "approximately 20 different agencies" based on data supposedly received under the California Public Records Act (CPRA). The report does not base any of its analysis on the City of Los Angeles and speciously characterizes the City of Los Angeles as unresponsive. The report's contributor organizations and staff all are well-funded and sophisticated. It is unclear why the report would be rushed if the City of Los Angeles and other agencies' data was important. If the City of Los Angeles did not comply with the CPRA, as the report insinuates, the contributor organizations have the resources to secure any data that the City is legally required to provide.

Owning a vehicle is not a right and the City of Los Angeles is making extensive efforts to make the City more accessible and livable through expanded transit, cycling, pedestrian, and other transportation modes. Owning a vehicle comes with responsibilities, both legal and financial. Vehicle ownership has legally required costs (e.g. vehicle registration) and avoidable costs when the owner/operator behavior complies with parking laws (i.e. does not violate parking laws and/or pays citations in a timely manner when they do).

AB 516 (Chiu) may be a well-intentioned bill that attempts to address the financial impacts of some categories of towing, but it actually creates unwarranted incentives and rewards for scofflaws and lawbreakers that will result in negative impacts on the broader community.

I THEREFORE MOVE that Council adopt an OPPOSE position on AB 516 (Chiu) related to changes to California law that would reduce the City of Los Angeles' ability to tow the vehicles of scofflaws and

lawbreakers.